

Central Intelligence Agency



Washington, D.C. 20505

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Dear [redacted]

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I am writing to you in response to your letter to President Reagan concerning the pension rights of former spouses of Central Intelligence Agency (CIA) employees.

At the outset, I would like to state that we sympathize with the plight of the former spouses you described in your letter. Former CIA spouses deserve recognition and respect for the efforts they have made on behalf of their families and their country.

In Public Law 97-269, as you note, this recognition is limited to pension rights for former spouses divorced after 15 November 1982. At the time Congress was considering this bill, retroactive application of the rights created under this bill was also considered. However, to avoid interference with existing retirement and survivor payments and conflict with existing divorce decrees and property settlements, Congress limited the former spouse's pension rights to prospective divorce actions occurring after the effective date of the bill.

The difficult problem of retroactive legislation affecting settled legal rights remains a substantial impediment to the Congressional action you suggest. Consequently, any inequities in divorce actions completed prior to 15 November 1982 should be addressed in the courts having jurisdiction over divorce. As you may know, federal retirement annuities are subject to apportionment by state courts under a statute enacted in 1980. Under this authority, a state court may direct the federal government to pay a portion of an annuitant's lifetime pension to "another person" pursuant to a divorce decree. This provision of law may thus be exercised in favor of any former spouse, regardless of the date of divorce. However, please note that it applies only to division of an annuitant's lifetime pension, not to survivor benefits.

I hope that this explanation is helpful to you.

Sincerely,

/s/ Clair E. George

Clair E. George
Director, Office of Legislative Liaison

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